

APPENDIX.**Petitions and Memorials.**

Senator Floyd offered and had read a telegram from the president of Mt. Pleasant Rotary Club, protesting against enactment of any additional tax measures.

Senator Fairchild offered a telegram, signed by president, Palestine Retail Merchants' Association and W. A. Pfaff, secretary of Palestine Business League, urging reduction of appropriations made at Second Called Session, and protesting against any further tax measures.

Senator Bledsoe sent up and had read a telegram, signed E. L. Dohoney, superintendent school board, Vernon, urging that no cut be made in appropriation bills passed at Called Session, and that additional revenue be obtained by taxation.

Lieutenant Governor T. W. Davidson had read a telegram from Winona School Board, urging sufficient tax legislation to care for appropriation bills.

Senator Cousins sent up for consideration a telegram signed by mayor of Beaumont, opposing enactment of any tax measures.

FIFTH DAY.

Senate Chamber,
Austin, Texas,

Thursday, May 24, 1923.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

| | |
|------------|-----------|
| Bailey. | Parr. |
| Baugh. | Pollard. |
| Bledsoe. | Rice. |
| Bowers. | Ridgeway. |
| Burkett. | Rogers. |
| Clark. | Strong. |
| Cousins. | Stuart. |
| Darwin. | Thomas. |
| Fairchild. | Turner. |
| Floyd. | Watts. |
| Holbrook. | Witt. |
| Lewis. | Wood. |
| McMillin. | Woods. |

Absent—Excused.

| | |
|--------|---------|
| Davis. | Murphy. |
| Doyle. | Wirtz. |

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

Excused.

Senator Doyle for today and until Monday, on account of important business, on motion of Senator Bailey.

Senator Wirtz for today and tomorrow, on account of important business, on motion of Senator Bailey.

Senator Davis for today, on account of important business, on motion of Senator McMillin.

Bill on First Reading.

The following bill, introduced today, was read first time and referred to appropriate committee as follows:

By Senator Darwin:

S. B. No. 15, A bill to be entitled "An Act making an appropriation to carry into effect the provisions of Chapter 41, General Laws of the First Called Session of the Thirty-seventh Legislature, and declaring an emergency."

To the Committee on Finance.

S. R. No. 10.

By Senator Darwin:

Whereas, The Senate of Texas is informed that descendants of General Sam Houston are in possession of his papers and letters of great historical value relating to the great enduring service rendered by General Houston to Texas and the Nation; therefore, be it

Resolved, By the Senate of Texas, that General Andrew Jackson Houston, surviving son, Mrs. Nellie Bringhurst, surviving daughter, and Franklin Williams, surviving grandson of General Sam Houston, be and are invited as a committee representing the heirs and descendants of this illustrious ancestor to confer with a committee composed of two Senators, to be appointed by the presiding officer of the Senate, and two professors from the Department of History of

the University of Texas, to be appointed by the president of the University, with a view to having all or such valued papers or letters as may be of enduring value to the State of Texas and the United States, left by General Sam Houston, deposited in the library of the University of Texas for safekeeping, and accessible to the students of history of our State and Nation.

The resolution was read and adopted.

In accordance with the provisions of the above resolution, the Chair announced the appointment of Senators Darwin and Bailey as the committee on the part of the Senate.

S. B. No. 11—Motion to Not Print.

Senator Wood moved to suspend the Senate rules requiring bills to be printed and lie on members' desks 24 hours, and that S. B. No. 11 be not printed.

The roll was called and the motion to suspend the rule was lost by the following vote:

Yeas—12.

| | |
|-----------|-----------|
| Bailey. | Parr. |
| Bledsoe. | Ridgeway. |
| Burkett. | Rogers. |
| Cousins. | Turner. |
| Floyd. | Witt. |
| Holbrook. | Wood. |

Nays—13.

| | |
|------------|----------|
| Baugh. | Pollard. |
| Bowers. | Rice. |
| Clark. | Strong. |
| Darwin. | Stuart. |
| Fairchild. | Thomas. |
| Lewis. | Watts. |
| McMillin. | |

Absent.

Woods.

Absent—Excused.

| | |
|--------|---------|
| Davis. | Murphy. |
| Doyle. | Wirtz. |

S. B. No. 11—Ordered Printed in the Journal.

On motion of Senator Bailey, S. B. No. 11 was ordered printed in the Journal.

S. C. R. No. 7.

By Senator Burkett:

Be it Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Legislature do adjourn this the Third Called Session, sine die, at 4 o'clock p. m. this the 24th day of May, A. D. 1923.

Burkett, Parr, Darwin, Ridgeway, Holbrook, Bailey, Clark, Pollard, Fairchild.

The resolution was read.

Yeas and nays were demanded, and the resolution was lost by the following vote:

Yeas—9.

| | |
|----------|------------|
| Bailey. | Fairchild. |
| Burkett. | Holbrook. |
| Clark. | Pollard. |
| Cousins. | Ridgeway. |
| Darwin. | |

Nays—14.

| | |
|-----------|---------|
| Baugh. | Strong. |
| Bledsoe. | Stuart. |
| Bowers. | Thomas. |
| Lewis. | Turner. |
| McMillin. | Watts. |
| Rice. | Witt. |
| Rogers. | Woods. |

Absent—Excused.

Doyle.

(Pairs Recorded.)

Senator Floyd (present), who would vote nay; with Senator Murphy (absent), who would vote yea.

Senator Wood (present), who would vote nay; with Senator Wirtz (absent), who would vote yea.

Senator Parr (present), who would vote yea; with Senator Davis (absent), who would vote nay.

S. B. No. 14—Ordered Printed in the Journal.

On motion of Senator Wood, S. B. No. 14 was ordered printed in the Journal.

Bill Read and Referred.

The Chair (Lieutenant Governor T. W. Davidson) had referred, after its caption had been read, the following House bill:

H. B. No. 9, to the Committee on State Affairs.

Bill Signed.

The Chair (Lieutenant Governor T. W. Davidson), gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following resolution:
H. C. R. No. 3.

Recess.

On motion of Senator Bailey, the Senate at 11:15 a. m. recessed until 3 p. m. today.

Afternoon Session.

The Senate met at 3 p. m. and was called to order by Lieutenant Governor T. W. Davidson.

S. R. No. 5.

Senator Floyd called from the table S. R. No. 5, relative to consideration of appropriation and revenue measures, which was read on May 17 and was laid on the table subject to call.

The Chair laid the resolution before the Senate.

Question: Shall the resolution be adopted?

S. R. No. 11.

(By unanimous consent.)

By Senators Witt, Stuart and Bowers:

Whereas, Mrs. Wilmans, a distinguished member of the House of Representatives, is now present; therefore, be it

Resolved, That she be requested to address the Senate.

The resolution was read and adopted.

The Chair appointed Senators Stuart, Witt and Bowers as a committee to escort Mrs. Wilmans to the President's stand.

Being presented by the Chair, Mrs. Wilmans addressed the Senate.

S. R. No. 12.

(By unanimous consent.)

By Senator Witt:

Whereas, The Senate of the Thirty-eighth Legislature has not had the

pleasure of hearing the silver tongued orator, the Hon. Harry Hertzberg, a former much beloved member of this body; therefore, be it

Resolved, That Hon. Harry Hertzberg be and is hereby invited to address the State Senate of the Thirty-eighth Legislature at its present session at such time as may be convenient for him to do so.

Witt, Pollard, Stuart, Ridgeway, Parr, Burkett, Darwin, McMillin, Baugh, Fairchild, Wood.

The resolution was read and adopted.

Message from the House.

Hall of the House of Representatives, Austin, Texas, May 24, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 9, A bill to be entitled "An Act levying and providing for the payment of a State occupation tax on the mining or production of sulphur by any method, system or manner, within this State; requiring reports to be made and records to be kept by those engaged in the business, and providing for the inspection thereof by certain public officials, their employes or representatives; prescribing penalties for the failure to comply with provisions of this Act; providing for the payment of interest, penalties and costs by certain officials; fixing the venue therefor and the compensation of officials for said services; repealing H. B. No. 328, passed at the Regular Session of the Thirty-eighth Legislature, levying an occupation tax on the production of sulphur, and declaring an emergency."

The House has indefinitely postponed H. B. No. 30, providing for an income tax.

Has passed

H. B. No. 18, A bill to be entitled "An Act to amend Article 7382, Chapter 2, Title 126, of the Revised Civil Statutes of the State of Texas, providing for a graduated increase of gross receipts on telephone companies and providing for reports to be made as now provided by law and records preserved, and declaring an emergency."

The House has adopted S. C. R. No. 5, relative to the Frisco-I. & G. N. merger.

The House refused to engross
H. B. No. 43.

Respectfully submitted,
O. P. BASFORD,
Acting Chief Clerk, House of
Representatives.

Adjournment.

Senator Darwin moved that the
Senate stand adjourned until 10 a. m.
tomorrow, and the motion was lost.

Senator Clark moved that the Sen-
ate stand adjourned until 10:05 a. m.
tomorrow.

Yeas and nays were demanded, and
the motion prevailed by the follow-
ing vote:

Yeas—14.

| | |
|----------|-----------|
| Bailey. | Pollard. |
| Baugh. | Ridgeway. |
| Burkett. | Rogers. |
| Clark. | Stuart. |
| Cousins. | Turner. |
| Darwin. | Watts. |
| Parr. | Woods. |

Nays—9.

| | |
|------------|-----------|
| Bowers. | McMillin. |
| Fairchild. | Rice. |
| Floyd. | Strong. |
| Holbrook. | Thomas. |
| Lewis. | |

Absent.

| | |
|----------|-------|
| Bledsoe. | Wood. |
| Witt. | |

Absent—Excused.

| | |
|--------|---------|
| Davis. | Murphy. |
| Doyle. | Wirtz. |

Accordingly, the Senate at 4 p. m.
adjourned until 10:05 a. m. tomor-
row.

APPENDIX.

Petitions and Memorials.

By Senator Strong:

Asking for support of appropria-
tion for schools and providing reve-
nue for care of same, from school
board of Longview.

By Lieutenant Governor T. W.
Davidson:

From Retail Merchants' Associa-
tion of Texas, asking for reduction
of appropriations and against raising
of taxes.

By Senator Clark:

Telegram from Shiner Commercial
Club, in line with above.

Also from Parents-Teachers' Asso-
ciation of Wallis, asking Legislature
to provide funds for schools.

Committee Reports.

Committee Room,

Austin, Texas, May 24, 1923.

Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Finance,
to whom was referred

S. B. No. 11, A bill to be entitled
"An Act making appropriations for
the Department of Banking and for
the Department of Insurance and
Banking for two years, beginning
September 1, 1923, and ending Au-
gust 31, 1925; repealing all appro-
priations made for the Department
of Insurance and Banking as set
fourth in S. B. No. 32, passed by the
Second Called Session of the Thirty-
eighth Legislature, and declaring an
emergency."

Have had same under considera-
tion, and I am instructed to report
the same back to the Senate with the
recommendation that it do pass and
be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, May 24, 1923.

Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Finance,
to whom was referred

S. B. No. 14, A bill to be entitled
"An Act levying an occupation tax
on physicians, surgeons, medical
doctors, lawyers, attorneys, dentists,
civil engineers, consulting engineers,
architects, bacteriologists, nurses and
other specialists and those engaged
in other professions in this State;
exempting judges of courts and State,
county and city employes, and em-
ployes of governmental subdivisions
or agencies; amending Article 7355,
Revised Civil Statutes; and declaring
an emergency."

Have had same under considera-
tion, and I am instructed to report
the same back to the Senate with the
recommendation that it do not pass,
but that the attached committee sub-
stitute do pass in lieu thereof.

WOOD, Chairman.

C. S. S. B. No. 14.

A BILL

To be Entitled

An Act amending Articles 7355 Revised Civil Statutes of the State of Texas of 1911 as amended by adding thereto a new sub-division numbered 41, levying an occupation tax upon and against physicians, bacteriologists, chiropodists, oculists, dentists, registered nurses, attorney's and counsellors at law, civil engineers, consulting engineers, structural engineers, fire insurance agents, life insurance agents, real estate agents, auditors, certified public accountants, automobile dealers, automobile salesmen, undertaking establishments, bond brokers, wholesale grain dealers, all teachers in the public schools of the State who receive annual salaries in excess of nine hundred dollars. Proprietors of electrical establishments, proprietors of plumbing establishments, proprietors of barber shops, and by adding a new article known as Article 7355a providing for a penalty, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 7355 of the Revised Statutes of 1911 be and the same is hereby amended, by adding thereto sub-division 41—which shall read as follows:

41. From every person, firm or corporation engaged in any one of the following occupations, and receiving compensation as such there shall be levied and collected a State occupation tax of twenty-five dollars per annum; physicians, bacteriologists, chiropodists, attorneys and counsellors at law, civil engineers, consulting engineers, structural engineers, fire insurance agents, life insurance agents, real estate agents, auditors, certified accountants, automobile dealers, automobile salesmen, undertaking establishments, bond brokers, wholesale grain dealers, all teachers in the public schools of the State who receive annual salaries in excess of nine hundred dollars. Proprietors of electrical establishments, proprietors of plumbing establishments, proprietors of barber shops.

Sec. 2. That there shall be added a new article known as Article 7355a which article shall read as follows: If any person firm or corporation

shall pursue any occupation named in any sub-division of Article 7355 without first paying the occupation tax required to be paid for such occupation, he shall be guilty of a misdemeanor, and upon conviction thereof shall be fined the sum of fifty dollars.

Sec. 3. The fact that this is a revenue producing measure and the State must have additional revenue to meet appropriations needed for the State Government, created an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and that this Act shall take effect and be in force from and after its passage, and said rule is hereby suspended and it is so enacted.

SIXTH DAY.

Senate Chamber,
Austin, Texas,
Friday, May 25, 1923.

The Senate met at 10:05 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

| | |
|------------|----------|
| Bailey. | Parr. |
| Baugh. | Pollard. |
| Bowers. | Rice. |
| Burkett. | Rogers. |
| Cousins. | Strong. |
| Darwin. | Thomas. |
| Fairchild. | Turner. |
| Floyd. | Watts. |
| Holbrook. | Wood. |
| Lewis. | Woods. |
| McMillin. | |

Absent.

| | |
|-----------|---------|
| Bledsoe. | Stuart. |
| Clark. | Witt. |
| Ridgeway. | |

Absent—Excused.

| | |
|--------|---------|
| Davis. | Murphy. |
| Doyle. | Wirtz. |

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

(See Appendix for committee reports, petitions and memorials.)